

**Minutes of the
Agriculture, Natural and Cultural Resources Element Subcommittee**
Thursday, December 9, 2004

Jim Siepmann, Chairperson, called the meeting to order at 9:00 a.m.

Subcommittee Members Present

- Jim Siepmann – Comprehensive Development Plan Advisory Committee Representative
- Don Reed – Southeastern Wisconsin Regional Planning Commission
- Ellen Gennrich - Waukesha County Land Conservancy
- Bill Kolstad - City of Brookfield Parks Department
- Elaine Kraut - Town of Summit Park Board, Mineral Extraction Industry
- Tom Oberhaus - Town of Delafield Plan Commission, farmer
- Bob Bartholomew - Town of Vernon Plan Commission, farmer
- Barb Holtz - Town of Mukwonago Board, farmer
- Bruce Kaniewski - Comprehensive Development Plan Advisory Committee Representative
- Jeff Herrmann - Comprehensive Development Plan Advisory Committee Representative
- Steve Schultz - Ruekert and Mielke
- Bob Miller – Farmer/Town of Oconomowoc

Subcommittee Members Absent:

- Paul Sandgren - Wisconsin Department of Natural Resources
- Rob Fox – UW/Extension Agricultural Agent
- Beth Leonard - City of Delafield Park and Recreation Commission

Staff Contacts:

- Dale Shaver, Director - Waukesha County Department of Parks and Land Use
- George Morris - Environmental Health Manager, Waukesha County Dept. of Parks and Land Use
- Richard Mace Planning and Zoning Manager - Waukesha County Department of Parks and Land Use
- Kathy Moore, Senior Planner - Waukesha County Department of Parks and Land Use
- Sandy Scherer, Senior Planner - Waukesha County Department of Parks and Land Use
- Don Dittmar - Land Information Systems Manager
- Jim Kavemeier – Parks System Manager, Waukesha County Department of Parks and Land Use
- Perry Lindquist, Land Resources Manager, Waukesha County Department of Parks and Land Use

Other Interested Parties

- Ezra Meyer, Friends of the Mukwonago River
- Nancy Gloe, Friends of the Mukwonago River

Public Comment

None.

Approval of the October 14, 2004, Minutes

Due to the fact that not everyone received the Minutes, it was decided to defer approving them until the next meeting.

Identification of Mineral Extraction Lands

Mr. Shaver referred to the key objectives identified in the Subcommittee's Scope of Study. At the last meeting of the Subcommittee, copies of the existing Development Plan chapters were distributed showing a

table and a map that identified lands, which are currently being used and proposed to be used for the extraction of gravel and limestone materials. Several years ago the Waukesha County created the Mineral Extraction Advisory Committee (MEAC) as a group of industry representatives and local officials, which deal with mineral extraction in their communities as well as citizens who reside near these activities. When the County Development Plan was created in 1997, the gravel industry agreed to step up and identify for the County, which lands were currently used for extraction and which properties were being proposed for extraction.

Mr. Lindquist, Land Resources Manager, presented maps indicating areas currently being used for extractive purposes and areas projected for extractive purposes in the current County Development Plan. He explained that extractive areas are a unique land use in the planning effort because they are a temporary land use, and eventually, under State law they must be reclaimed and become an end land use. At the last MEAC meeting, two challenges were presented. First, to work with the aggregate producers to identify if there were additional lands which should be incorporated into the land use planning effort for extractive purposes beyond the proposed build out year of 2010. Second, if there was a temporary buffering component which should be recommended in the development plan for use adjacent to active extraction sites to reduce land use conflicts from occurring during the extractive process. Mr. Shaver further explained, the gravel industry would likely supply the Tax Key/Parcel No.'s for the parcels, which they currently hold and they will identify if the parcels which are under active or proposed extraction. Those particular parcels can be color-coded and the map updated. He indicated by Spring 2005, a final product could be presented to the Subcommittee.

A member of the Subcommittee wondered if the MEAC should differentiate between sand and gravel and other mineral extraction (limestone, etc.), which would require blasting causing deeper holes and is more difficult to reclaim. There may also be differences in buffers and land uses between the two entities. Mrs. Kraut, from Genesee Aggregate indicated that when a blast gets into a fault it may run 2,000', and a 200' setback/buffer may not help. She noted that informing the outlying areas within 1½ miles around the site is essential. The MEAC has made progress by identifying existing extraction sites and some future extraction lands were identified. Regarding land conflict issues, buffering would be a good idea, however, is not a policy matter. In her rezoning requests, there is language requesting that the Towns develop a policy of neighborhood notification (providing a notice of all plats within 1½ miles of any future subdivision or land division.) She suggested, as a minimum the following wording (from the State of Wisconsin Plat Review Board) should be included on the Deed of Restriction "Although all lots in the subdivision have been reviewed and approved for development in accordance with Section 236 of the Wisconsin State Statutes, be advised that a mineral extraction mine operates within 1½ miles of the limits of this Plat". She also indicated that good visual signage is essential.

A member of the Subcommittee said that an additional issue is water supply and surface water problems. They expressed concerns that blasting and working near fractures can affect the local water table. Mrs. Kraut said the most severe problems seem to involve the quarries, however, the primary problem in Waukesha County is trucking. She indicated the mines should be located with access onto main transportation roads. Mr. Shaver said that the above issues could be addressed by the MEAC and a recommendation submitted to the Subcommittee.

Overview of the Park and Open Space Planning Process

Mr. Kavemeier, Parks System Manager, explained there has been a Park and Open Space Plan for Waukesha County since 1970, which has guided the direction that the Parks System has taken over the years. The Plan enables Waukesha County to be eligible for Stewardship funds, which offset the costs of

land acquisition. Currently there are 7,694 acres of parkland, eight major parks (250 acres or more in size), Retzer Nature Center, 29 miles of various trails, five lake access points and six swimming beaches in Waukesha County. Objectives include, a major park being located within a 4-mile lineal distance of every resident, involvement in the protection of environmental corridors and isolated natural areas and the establishment of greenways along the eight major rivers in Waukesha County. The vision of Greenway Planning is to create a system of linear corridors along the County's major rivers and streams which would protect the high quality natural resource based elements, connect major state, county and local parkland, as well as other community social and cultural amenities and provide recreational and educational opportunities for the use and enjoyment of present and future generations. He explained the greenway cross-section as having preservation zones (varied width), buffer zones (10' to 75') and trail corridor zones (40' with an additional 25' visual buffer).

The most recent Park and Open Space Plan was adopted in 1990 and amended in 1996, 1998 and 2003 with updates occurring approximately every five years. The Plan establishes park and open space standards, delineates the responsibility of every agency based on plan objectives, identifies existing and proposed parkland development, differentiates between existing and proposed ownership of lands and enables the County to be qualified for State and Federal parkland grants. The Park and Open Space Plan would be coordinated with all of the local municipalities, the State of Wisconsin and non-profit conservation organizations and SEWRPC. Once completed, Waukesha County would include all of the local Park and Open Space plans in its plan on a mapping basis and encourage local communities to include the County's Park and Open Space Plan in their plans. He further explained in detail the proposed plan outline and schedule. A member of the Subcommittee noted the schedule seemed ambitious to complete within a period of one year. Mr. Kavemeier agreed that it is aggressive but noted it cannot become a five year process. Mrs. Gennrich asked if the plan states, that if a local municipality is supposed to purchase a property and the land owner does not wish to sell it to the municipality and the county eventually purchases it, (but it is not in the plan for acquisition) would state funding still apply? Mr. Kavemeier replied, "Yes", and noted the most important thing is that the State buys into the implementation of the plan.

A member of the Subcommittee expressed concerns regarding areas on the lower Fox River, which are owned by farmers. If the areas are not allowed to be sold, the farmers would be highly taxed on lands, which they could not do anything with. Mr. Shaver said the farmers should not be affected because the direction in the State has been to provide relief to farmers for the woodlands and wetlands, which are attached to farms. The Committee was unsure if wetlands would be included, to which Mr. Shaver said he would check into the matter. A member of the Committee complimented Mr. Kavemeier's presentation and suggested it be presented to the proper governing bodies. Mr. Shaver suggested the timetable for the preparation of the Comprehensive Plan as it relates to this Subcommittee needs to be amended to include a block of time between October/December 2005 for the Subcommittee to reconvene and discuss the draft Park and Open Space Plan. The amended timetable will be posted on the website.

Mrs. Kraut moved, seconded by Mr. Reed and carried unanimously, to amend the timetable.

Discussion of Prime Agricultural Land Designation

Chairperson Siepmann explained that due to time constraints the Staff would present an overview and discussion would take place at the next meeting of the Subcommittee.

Mr. Shaver suggested the Subcommittee review Chapter 9, Objective and Standards of the current Waukesha County Development Plan, which explains how agricultural lands have been designated in the region and Waukesha County. In the 1970's the Wisconsin Legislature created the Farmland Preservation

Program, which allowed farmers to be eligible to receive tax credits on agricultural lands if they are identified as prime agricultural lands or transitional agricultural lands. The Farmland Preservation Program was to be property tax relief for the agricultural community. When Waukesha County prepared its Agricultural Preservation Plan in the late 1970's, the standard utilized in identification of prime agricultural lands were that:

1. the farm unit must be at least 35 acres in size
2. at least 50 percent of the farm unit must be covered by soils which meet the USDA-Soil Conservation Service standards for national prime farmland (Class I and II) or farmland of statewide importance (Class III)
3. the farm unit must be located in a block of farmland at least 100 acres in size.

The relatively small block size would enable the largest number of farmers to qualify for the tax credit. In the 1990's when Waukesha County began preparing its Development Plan, the Farm Preservation Program was not working out in urbanizing areas the way it was originally envisioned. Instead of property tax relief, the formula used to calculate the credit was a combination of property taxes paid and household income. As a result of the credit formula, farmers were receiving low tax credits. The low tax credits were not enough incentive for landowners to preserve agricultural lands. Under the Farmland Preservation Program, the State required farmers (when lands were rezoned) to pay back up to the previous ten years of credit. Again, the low amount of annual tax credit was not enough of a financial deterrent to rezoning.

During preparation of the County Development Plan in the mid 90's, the farming community requested an update to the vision for and criteria used to identify prime agricultural land in Waukesha County. The farm community, the UW-Extension agents and representatives of the Soil Conservation Service reviewed the criteria used during the preparation of the Waukesha County Farmland Preservation Plan. It was determined the 35 acre farm unit size made sense. The use of Class I and II soils made sense because the soil quality was good for a wide range of crop production. The Class III soils were no longer appropriate because those soils had a marginal cash grain crop production value. The group decided to remove the Class III soils because of the changes in agricultural operations in Waukesha County from dairy operations to cash grain production. The farmland block size criteria were also evaluated. While smaller block size criteria would enable more farmers to qualify for tax credits, the maintenance of long-term agricultural use within smaller blocks in an urbanizing area has been very difficult. As a result of this evaluation of the criteria, the Advisory Committee for the preparation of the County Development Plan in the mid 90's agreed to modify the criteria. The criteria for delineating prime farmland under the 1996 Waukesha County Development Plan was:

1. the farm unit must be at least 35 acres in size
2. at least 50 percent of the farm unit must be covered by soils which meet the USDA-Soil Conservation Service standards for national prime farmland (Class I and II)
3. the farm unit must be located in a block of farmland at least five square miles size.

As the planning process proceeds, the Subcommittee may want to reconsider the criteria:

- Acreage for the size of the farm unit. The Staff recommends changing the 35-acre minimum to a 35-acre density with minimum lot sizes of one acre.
- Soil types (Class I, II and III vs. Class I and II).

A member of the Subcommittee expressed concerns regarding farmers, which own smaller parcels (40 or 80 acres).

Mr. Lindquist presented a map showing prime and secondary farmland in Waukesha County and explained the map contains the basic raw data based on the soil types and the farmland, which existed in the year 2000. Since the data was collected, 14 to 15 sq. miles of farmland has been lost and continues to be lost at 3 to 4 sq. miles per year. The map also contains hydric soils (as an overlay) and noted they may have severe restrictions. The Subcommittee's discussions would continue into the preservation of farmland, issues of water shed protection, groundwater recharge areas and agriculture of the economy.

Mr. Shaver suggested the next Subcommittee meeting be held on Thursday, February 3, 2005, from 9:00 a.m. to 11:00 a.m. Topics for the next meeting may include:

- Approval of the October 14, 2004 and December 19, 2004, Minutes.
- Groundwater Study Overview (suggested speakers include Steve Schultz from Ruekert and Mielke and Staff from SEWRPC) to update the Subcommittee on where the research is at this point and where it would be headed in the next year.
- Agricultural soils issue.

Mrs. Holtz moved, seconded by Mrs. Gennrich and carried unanimously, to adjourn the meeting at 11:05 a.m.